

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATE OF : STATE BOARD OF EXAMINERS
RONALD RICHARDSON : ORDER OF SUSPENSION
_____ : DOCKET NO: 532-06/99-217

At its meeting of June 17, 1999, the State Board of Examiners reviewed a decision forwarded by the Commissioner of Education that had dismissed Ronald Richardson from his tenured position with the State-Operated School District of the City of Paterson for charges of excessive absenteeism and insubordination. Richardson currently holds an Elementary School Teacher certificate.

This case originated when the the State-Operated School District of the City of Paterson certified tenure charges against Ronald Richardson for abandonment of position, excessive absenteeism and insubordination. In June 1997, the Commissioner of Education transferred the matter to the Office of Administrative Law for hearing. Administrative Law Judge (ALJ) Stephen G. Weiss heard testimony on several days in November 1997 and January, February and March 1998. After receiving post-hearing submissions, the record closed and the ALJ issued an Initial Decision on June 1, 1998.

The District contended that Richardson had been absent from his position for several days in October, November and December 1996 and January 1997. Starting in February 1997, Richardson was absent for the entire balance of the school year. Richardson was also charged with failing to call into the sub tape when he was going to be absent, failing to prepare plans for substitute teachers and failing to follow administrative directives regarding progress reports and report cards. The District also charged Richardson with abandoning his position during the period between January 31, 1997 and March 31, 1997. The ALJ found that the District had not proven the charge of abandonment and therefore dismissed that count. (Initial Decision, slip op. at 24-25). He

did conclude, however, that the District had proven its charges of excessive absenteeism and part of its charge of insubordination and noted that Richardson's absences, standing alone, would justify his removal. (Initial Decision, slip op. at 28). In addition, the ALJ found that Richardson's insubordination in failing to comply with administration directives regarding reporting absences and the preparation of sub plans, student progress reports and report cards supported a finding of dismissal. Accordingly, the ALJ ordered Richardson dismissed from his tenured position. (Initial Decision, slip op. at 28-29).

On July 15, 1998, the Commissioner issued his decision in the matter. He agreed with the conclusions that the ALJ had reached: "...the Commissioner concurs that the District has proven that respondent's absences were, indeed, excessive and his conduct toward the administrators who sought accountability for his behavior was, at best, highly unprofessional." (Commissioner's Decision, slip op. at 36). The Commissioner therefore affirmed the penalty the ALJ had recommended and dismissed Richardson from his tenured employment. (Commissioner's Decision, slip op. at 39). The Commissioner also transmitted the matter to the State Board of Examiners pursuant to N.J.A.C. 6:11-3.6 for action against Richardson's certificate as it deemed appropriate. In the interim, Richardson appealed the Commissioner's decision to the State Board of Education. On January 6, 1999, the State Board of Education affirmed the Commissioner's decision.

Thereafter, on June 17, 1999, the State Board of Examiners issued Richardson an Order to Show Cause why his certificate should not be or suspended or revoked. The Order was predicated on the charges of unbecoming conduct that had been proven in the tenure hearing.

The Order to Show Cause was mailed to Respondent by regular and certified mail on July 29, 1999. The Order provided that an Answer to the Order must be filed within twenty (20) days. Richardson filed an Answer on August 30, 1999.

In his Answer Richardson stated that he had always devoted himself to his profession and that he had very good classroom observations and evaluations. (Answer, p. 1). He stated that he normally missed no more than 3 days per year during his tenure with the Paterson School District over 12 years. (Answer, p. 1-2). Richardson claimed that his life changed in 1997 when the woman who raised him died and his home and all of his belongings were destroyed in a fire. (Answer, p. 2). He argued that his license should not be revoked or suspended simply because he made the careless mistake of not getting help at that time. (Answer, p. 2). He stated that he had already been punished enough through the loss of his job, his tenure and his self-esteem. Finally, Richardson said he was working in another state and that the administration there was happy with his performance. (Answer, p. 2).

Thereafter, pursuant to N.J.A.C. 6:11-3.6(a)1, on September 29, 1999, a hearing notice was mailed by regular and certified mail to Richardson. The notice explained that, since it appeared no material facts were in dispute regarding the tenure charges, respondent had an opportunity to submit written arguments on the issue of whether the conduct addressed in the Order to Show Cause constituted conduct unbecoming a certificate holder. It also explained that, upon review of the charges against him and the legal arguments tendered in his defense, the State Board of Examiners would determine if his offense warranted action against his certificate. Thereupon, the Board of Examiners would also determine the appropriate sanction, if any.

Richardson did not respond to the Hearing Notice. On December 23, 1999 Richardson was advised by regular and certified mail that he was being provided an additional ten days in which to file a response to the initial Hearing Notice. On January 6, 2000, Richardson filed another copy of his response to the Order to Show Cause. In

addition he submitted a copy of his claim form from the fire that destroyed his home and a letter from his biological mother on his behalf which recounted the events Richardson spoke of in his Answer.

The threshold issue before the State Board of Examiners in this matter, therefore, is whether Richardson's conduct and his subsequent loss of tenure constitute conduct unbecoming a certificate holder. At its meeting of April 6, 2000, the State Board of Examiners reviewed the charges and papers filed by respondent in response to the Order to Show Cause. After reviewing his response, the Board of Examiners determined that no material facts related to Richardson's offense were in dispute since he did not contest his absenteeism during the year in question. Thus, Richardson has not denied the charges in the Order to Show Cause. Accordingly, his excessive absenteeism and failure to follow administrative directives constitute conduct unbecoming a certificate holder.

The State Board of Examiners must now determine whether Richardson's offense as set forth in the Order to Show Cause, represents just cause to act against his certificate pursuant to N.J.A.C. 6:11-3.6(a)1. We find that it does.

The State Board of Examiners may revoke or suspend the certification of any certificate holder on the basis of demonstrated inefficiency, incapacity, conduct unbecoming a teacher or other just cause. N.J.A.C. 6:11-3.4. Furthermore, unfitness to hold a position in a school system may be shown by one incident, if sufficiently flagrant. Redcay v. State Bd. of Educ., 130 N.J.L. 369, 371 (S. Ct. 1943), *aff'd*. 131 N.J.L. 326 (E & A 1944). Teachers in the State of New Jersey "are professional employees to whom the people have entrusted the care and custody of ... school children.... This heavy duty requires a degree of self-restraint and controlled behavior rarely requisite to other types

of employment.” Tenure of Sammons, 1972 S.L.D. 302, 321. There can be no dispute that Richardson’s excessive absenteeism had a profound deleterious impact on his students. The Board of Examiners is mindful, however, that Richardson’s excessive absenteeism occurred during a particularly difficult year for him. Thus, although his neglect of his responsibilities cannot be condoned, revocation seems too harsh a result here. Consequently, the Board of Examiners has determined that the proper response to Richardson’s breach is suspension.

Accordingly, it is therefore ORDERED that Ronald Richardson’s Elementary School Teacher certificate be suspended for a period of three years beginning on this 6th day of April 2000. It is further ORDERED that Richardson return his certificate to the Secretary of the State Board of Examiners, Office of Licensing, CN 500, Trenton, NJ 08625-0500 within fifteen (15) days of receipt of this decision.

Secretary
State Board of Examiners

Date of Mailing: September 26, 2000

Appeals may be made to the State Board of Education pursuant to the provisions of N.J.S.A. 18A:6-28.

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